



1631

PATENT  
Customer No. 22,852  
Attorney Docket No. 06695.0003-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
David M. MANYAK et al. ) Group Art Unit: 1631  
Serial No.: 09/558,232 ) Examiner: C. Ly  
Filed: April 26, 2000 )  
For: RECEPTOR SELECTIVITY )  
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Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated January 13, 2003, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims: claims 1-23, 27-43, and 45-138 (Group I); claims 24-26 (Group II); and claim 44 (Group III). The Examiner also made three species election requirements. First, the Examiner required election of one of Species A, drawn to a system comprising a memory of data about compounds and targets with interaction information, and Species B, drawn to a system comprising a memory of data about compounds and targets without interaction information. Second, the Examiner required election of a single species from claims 3-8 and 29. Third, the Examiner required election of a single species from claims 10-13 and 31-32.

Applicants provisionally elect to prosecute Group I, claims 1-23, 27-43, and 45-138. Applicants also provisionally elect claim 10 as the species from the third species

election requirement, to which the claims shall be restricted if no generic claim is found to be allowable.

Regarding the second species election requirement, Applicants respectfully submit that the list of claims indicative of the alleged species of compounds should be expanded to include claims 28 and 30, because claims 28 and 30 are also drawn to chemical compounds. As such, the list of claims should be claims 3-8 and 28-30. In a telephonic interview conducted between the undersigned and the Examiner on February 12, 2003, the Examiner indicated that it was a mistake not to include claims 28 and 30 in the list of claims, and that the list should now be considered to include those claims. Accordingly, because the list of claims includes claims 28 and 30, Applicants provisionally elect claim 28 as the species from the second species requirement, to which the claims shall be restricted if no generic claim is found to be allowable.

Regarding the first species election requirement, Applicants provisionally elect Species A, with traverse. The Examiner alleged that Species A and Species B "are generally separately analyzed and published, and thus document the undue search burden if searched together." The Examiner also alleged that each species "is designed to meet their distinct goals based on the information contained in each." For example, the Examiner alleged that "species A could be adequate for analyzing the molecular binding of compound to a molecular target. However, species B does not have the resources for performing the same analysis." Applicants respectfully disagree with the Examiner's allegations. Despite the fact that some of the claims do not include some type of data storage with interaction information, there is nothing in any of those claims

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that precludes such data storage. Accordingly, Applicant submits that all of the claims are generic as they apply to Species A and Species B.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 13, 2003

By: 

Walter D. Davis, Jr.  
Reg. No. 45,137

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